

### **REMARKS**

Claims 1-30 are currently pending in the subject application and are presently under consideration. Claims 1, 13-14, 23-24, 27 and 30 have been amended as shown on pp. 4-7 of the Reply. In addition, the specification has been amended as indicated on p. 2 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Objection to Abstract**

The abstract of the disclosure is objected to because the content does not incorporate features recited in the embodiment of Applicant's invention in the current application, i.e. does not mention non-TCP/IP networks. The abstract has been amended as indicated above to incorporate these features. Therefore, it is respectfully requested that this objection be withdrawn.

#### **II. Rejection of Claims 1-2, 4-5, 7, 10-15, and 18-30 Under 35 U.S.C. §102(e)**

Claims 1-2, 4-5, 7, 10-15, and 18-30 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hite, *et al.* (US 7,213,061 B1). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Hite, *et al.* does not disclose or suggest each and every aspect set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim*. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The *identical invention must be shown in as complete detail as is contained in the ... claim*. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

The claimed subject matter relates to systems and methods that provide Web-based access to a device residing on a non-TCP/IP-based network within an industrial environment. In particular, independent claim 1, as amended, (like independent claims 23 and 27) recites, *a component that discovers devices on disparate networks within industrial control systems, comprising: an interface component that couples at least one TCP/IP-based network with one or*

*more non-TCP/IP-based networks; and a service component that searches both the at least one TCP/IP-based network and the one or more non-TCP/IP-based networks for devices and returns information indicative of discovered devices. Independent claim 13, as amended, (like independent claim 30) recites, a portal that provides Web communication with industrial devices residing on TCP/IP-based and non-TCP/IP-based networks, comprising: a proxy component that facilitates access to the TCP/IP-based and non-TCP/IP-based networks; and an engine that discovers industrial devices residing on both the TCP/IP-based and non-TCP/IP-based networks and provides information related to the industrial devices, the information can be utilized in connection with the proxy to communicate with the industrial devices. Hite, et al. does not teach or suggest the aforementioned novel aspects of applicants' claimed subject matter.*

Hite, et al. provides for systems and methods for an Internet control system, which includes a device, a network interconnecting the device, a control network portal coupled between the network and the Internet, and a master controller coupled to the network and operable to control the operations of the Internet and the devices. Users control the Internet through user input that is entered on a user interface. Hite, et al. provides for searching TCP/IP-based networks only (See, Col. 8, lines 10-25); Hite, et al. fails to describe *searching or discovering devices on a non-TCP/IP-based network.*

As such, Hite, et al. does not contemplate a service component that *searches* both the at least one TCP/IP-based network and *the non-TCP-IP-based networks* for devices and returns information indicative of discovered devices. Similarly, Hite, et al. fails to teach or suggest an engine that *discovers* industrial devices residing on the TCP/IP-based and *non-TCP/IP-based networks* and facilitates conveyance of information between such components. The claimed system provides for Web-based interaction with *non-TCP/IP-based* networks and networks and/or components and Web-based capabilities within the industrial environment to monitor, control, configure and communicate with industrial components residing on *non-TCP/IP-based networks.*

At page 11, paragraph 11, part b of the Office Action, Examiner erroneously asserts that Applicant's claim language does not require the "search" or "discover" mechanisms to be over the non-TCP/IP network. As such, independent claims 1 and 13 have been amended to make this requirement explicitly clear. As amended, both the "search" of claim 1 and the "discover" of claim 13 must be over *both* the TCP/IP-based network and the non-TCP/IP-based network.

Independent claims 23, 27 and 30 require **only** the non-TCP/IP-based network. This is a clear difference from Hite, *et al.*

In view of at least the foregoing, it is readily apparent that Hite, *et al.* fails to teach or suggest all limitations of the subject claimed invention as recited in independent claims 1, 13, 23, 27 and 30 (and claims 2, 4, 5, 7, 10-12, 13-15, 18-22, 24-26, and 28-29 that depend therefrom). Accordingly, it is respectfully requested that this rejection be withdrawn.

### **III. Rejection of Claims 3, 6, 16, and 17 Under 35 U.S.C. §103(a)**

Claims 3, 6, 16, and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hite *et al.* in view of official notice. It is respectfully requested that this rejection be withdrawn for at least the following reasons. Hite, *et al.* does not teach or suggest all aspects set forth in the subject claims. In particular, official notice does not make up for the aforementioned deficiencies of Hite, *et al.* with respect to claims 1 and 13 (which claims 3, 6, 16 and 17 depend from). Thus, the subject invention as recited in claims 3, 6, 16 and 17 is not obvious over the combination of Hite, *et al.* and official notice. Accordingly, it is respectfully submitted that this rejection be withdrawn.

### **IV. Rejection of Claims 8-9 Under 35 U.S.C. §103(a)**

Claims 8-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hite, *et al.* in view of Barber, *et al.* (US 6,744,771). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Hite, *et al.* does not teach or suggest all aspects set forth in the subject claims. In particular, Barber, *et al.* does not make up for the aforementioned deficiencies of Hite, *et al.* with respect to independent claim 1 (which claims 8-9 depend from). Thus, the subject invention as recited in claims 8 and 9 is not obvious over the combination of Hite, *et al.* and Barber, *et al.* Accordingly, it is respectfully submitted that this rejection should be withdrawn.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 150-1063 [ALBRP329USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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